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18 UNITED STATES DISTRICT COURT
19 SOUTHERN DISTRICT OF CALIFORNIA

20 IN RE: MIDLAND CREDIT
21 MANAGEMENT, INC.,
22 TELEPHONE CONSUMER
PROTECTION ACT LITIGATION.

Case No. 11-md-2286 MMA (MDD)

Member Cases: 10-cv-02261
10-cv-02600
10-cv-02368
10-cv-02370

**JOINT MOTION TO CONTINUE
DEADLINES IN AMENDED CASE
MANAGEMENT ORDER RE:
DISCOVERY THROUGH FILING
OF CLASS CERTIFICATION
MOTION**

1 On March 14, 2013, the parties participated in a mediation with Judge
2 Herbert B. Hoffman (Ret.). Although the parties did not reach a settlement, the
3 parties made progress and scheduled another mediation with Judge Hoffman on
4 April 16, 2013.

5 On March 22, 2013, the parties filed a Joint Motion to Vacate Deadlines and
6 Set a Case Management Conference. (Doc. No. 56.) The parties requested that the
7 dates be vacated because the current case management order did not allow
8 sufficient time for the parties to complete the mediation process.

9 On March 25, 2013, the Court issued an Amended Case Management Order
10 Re: Discovery Through Filing of Class Certification Motion, setting a telephonic
11 case management conference for three days after the anticipated mediation, April
12 19, 2013 and continuing the various dates in the case management order. (Doc. No.
13 55.)

14 On April 8, 2013, Defendant Encore Capital Group (“Encore”) announced
15 that its board of directors had elected Ken Veccione to succeed Brandon Black as
16 the company’s chief executive officer. As a result, shortly thereafter the parties and
17 Judge Hoffman agreed to continue the mediation scheduled for April 16, 2013 to
18 June 17, 2013 so as to allow sufficient time for Encore to transition leadership
19 responsibilities from Mr. Black to Mr. Veccione and provide Encore with an
20 opportunity to review its settlement position with the company’s new leadership.

21 In light of the mediation being continued, on April 17, 2013, the parties filed
22 a joint motion to extend the scheduling order regulating discovery through the filing
23 of class certification motion. (Doc. No. 59.) That same day, the Court issued an
24 order granting the parties’ request and extending the various dates in the scheduling
25 order. (Doc. No. 58.)

26 On June 17, 2013, the parties participated in another all-day mediation
27 session with Judge Hoffman. The parties and Judge Hoffman found the mediation
28 session to be productive and have mutually agreed to meet for additional sessions

1 of mediation on August 26 & 27, 2013. Calendaring conflicts did not permit an
2 earlier mediation.

3 On July 3, 2013, the parties filed a joint motion to extend the scheduling
4 order regulating discovery through the filing of class certification motion. (Doc.
5 No. 61.) On July 16, 2013, the Court issued an order granting the parties' request
6 and extending the various dates in the scheduling order. (Doc. No. 62.)

7 The parties met for another all-day mediation session on August 27, 2013
8 before Judge Hoffman (the August 26, 2013 date having been cancelled due to
9 unforeseen scheduling conflicts) and made significant progress. The parties agreed
10 to meet for another all-day mediation session before Judge Hoffman on October 22,
11 2013. Calendaring conflicts did not permit scheduling this session at an earlier
12 date.

13 Accordingly, the parties respectfully request that the Court continue the dates
14 currently set in its Amended Case Management Order Re: Discovery Through
15 Filing of Class Certification Motion (Doc. No. 62) as follows:

16 1. All expert disclosures required by Fed. R. Civ. P. 26(a)(2) shall be
17 served on all parties on or before January 10, 2014. Any contradictory or rebuttal
18 disclosures within the meaning of Rule 26(a)(2)(D)(ii) shall be disclosed on or
19 before February 7, 2014.

20 2. The deadline to complete all fact and expert discovery necessary to
21 support or oppose class certification shall be continued from December 13, 2013 to
22 March 14, 2013.

23 3. The deadline to file any motion for class certification shall be
24 continued from January 10, 2014 to April 11, 2014.

1 Dated: September 4, 2013

2 By s/ Edward D. Totino

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12 Midland Funding LLC, Midland Credit
13 Management, Inc., and Encore Capital
14 Group

15 Dated: September 4, 2013

16 LAW OFFICES OF DOUGLAS J.
17 CAMPION, APC

18 By s/ Douglas J. Campion

19 DOUGLAS J. CAMPION

20 Dated: September 4, 2013

21 EDELMAN, COMBS, LATTURNER &
22 GOODWIN, LLC

23 By s/ James O. Latturner

24 JAMES O. LATTURNER

25 Co-Lead Counsel for Plaintiffs
26
27
28

1 **CERTIFICATE OF SERVICE**

2 I am a resident of the State of California, over the age of eighteen years, and not a party to
3 the within action. My business address is 2000 Avenue of the Stars, Suite 400 North Tower, Los
4 Angeles, California, 90067. On September 4, 2013, I served the within document(s):

5 **JOINT MOTION TO CONTINUE DEADLINES IN AMENDED CASE
6 MANAGEMENT ORDER RE: DISCOVERY THROUGH FILING OF
7 CLASS CERTIFICATION MOTION**

- 8 ☐ by transmitting via facsimile the document(s) listed above to the fax number(s)
9 set forth below on this date before 5:00 p.m.
- 10 ☐ by placing the document(s) listed above in a sealed envelope with postage
11 thereon fully prepaid, for delivery via overnight/express service carrier at San
12 Diego, California addressed as set forth below.
- 13 ☐ by placing the document(s) listed above in a sealed envelope with postage
14 thereon fully prepaid, in the United States mail at San Diego, California
15 addressed as set forth below.
- 16 ☐ by personally delivering the document(s) listed above to the person(s) at the
17 address(es) set forth below on this date before the close of normal business
18 hours.
- 19 ☐ by transmitting via electronic mail a copy of the document(s) listed above in
20 .pdf format, with no transmission errors reported, to the person(s) at the e-mail
21 address(es) denoted on the Electronic Mail notice list.
- 22 ☒ I hereby certify that on the below date, I electronically filed the foregoing with
23 the Clerk of the Court using the CM/ECF system which will send notification
24 of such filing to the e-mail addresses denoted on the Electronic Mail notice list,
25 and I hereby certify that I have mailed the foregoing document or paper via the
26 United States Postal Service to the non-CM/ECF participants indicated on the
27 Manual Notice list.

28 I am readily familiar with the firm's practice of collection and processing correspondence
for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
motion of the party served, service is presumed invalid if postal cancellation date or postage
meter date is more than one day after date of deposit for mailing affidavit.

I declare that I am employed in the office of a member of the Bar of or permitted to
practice before this Court at whose direction the service was made.

Executed on September 4, 2013, at Los Angeles, California.

Ann Lozinski